

**REQUIRES MONITORING
OR STAFF ACTION**

COMMISSION DIRECTIVE

ADMINISTRATIVE MATTERS	<input type="checkbox"/>	DATE	<u>September 13, 2005</u>
MOTOR CARRIER MATTERS	<input type="checkbox"/>	DOCKET NO.	<u>2005-243-WS</u>
UTILITIES MATTERS	<input checked="" type="checkbox"/>		

SUBJECT:

DOCKET NO. 2005-243-WS – Petition of the Office of Regulatory Staff for Rulemaking Proceeding Governing the Performance Bonds Filed by Water and Sewer Utilities – Discuss with the Commission the Office of Regulatory Staff's Petition for Rulemaking Proceeding Governing the Performance Bonds Filed by Water and Sewer Utilities.

COMMISSION ACTION:

Move that the Petition of the Office of Regulatory Staff for Rulemaking be denied at this time. S.C. Code Ann. Section 1-23-126 requires that an agency must deny a petition for amendment or repeal of a regulation within thirty days of the submission of such a petition, or it must initiate the action in such petition. Whereas, I believe that the regulations governing performance bonds filed by water and sewer utilities are regulations that could be considered for amendment, I do not believe that this Commission has enough information to amend those regulations or to put into effect the changes recommended by ORS. Accordingly, in order to comply with the statute, I move that this Commission deny the Petition at this time, but that we establish a workshop (public hearing) to be held on this question as soon as possible, so that we may gather further information with the intent to consider proposed changes to the water-sewer performance bond regulations. Mr. Chairman, I so move.

PRESIDING	<u>Mitchell</u>				Session:	Regular
	MOTION	YES	NO	OTHER	Time of Session	<u>2:30 pm</u>
CLYBURN	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>		APPROVED	<u> </u>
FLEMING	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>		APPROVED STC 30 DAYS	<u> </u>
HAMILTON	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>		ACCEPTED FOR FILING	<u> </u>
HOWARD	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Absent	DENIED	<u> </u>
MITCHELL	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>		AMENDED	<u> </u>
MOSELEY	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		TRANSFERRED	<u> </u>
WRIGHT	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Absent	SUSPENDED	<u> </u>
					CANCELED	<u> </u>
					SET FOR HEARING	<u> </u>
					ADVISED	<u> </u>
					CARRIED OVER	<u> </u>
					RECORDED BY	<u>SCHMIEDING</u>

**Commissioner Howard was absent due to surgery

**Commissioner Wright was absent due to attending a NARUC Utility Rate School in Florida.